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Washington, D.C. 20590

January 2, 2005

Re: Service Animals Rules in NPRM on Air Travel for Persons With Disabilities

DOCKET # OST-2004- 19482-20

To Whom It May Concern:

I support the efforts by the Department of Transportation (DOT) is making to improve air travel on many fronts for passengers with disabilities, however there is a critical issue in the NPRM which I respectfully ask DOT officials to reconsider.

The new rules state that airlines may require passengers, like myself, to pay for an extra seat if my Assistance Dog cannot fit directly in front of or under my seat. If I cannot afford that option, I will be given the choice of shipping my dog in cargo or take a later flight. None of these "solutions" remotely resemble a reasonable accommodation for me to be accompanied by my canine mobility aid.

Please understand that because of my disability, I do not have a choice in the size of my Assistance Dog. For reasons of health and safety, the ethical use of an Assistance Dog for tasks like wheelchair pulling assistance, balance support, wearing of the Assistance Dog's backpack, or guiding requires that the Size of the dog be carefully matched with the disabled handler's height and/or disability related needs.

I am on a fixed income and could not afford to buy two roundtrip tickets, instead of one. Therefore, I would not be unable to visit my family members, visit with friends that live out of state, and/or travel to do education seminars regarding Service Dogs and the Law, of which I include talking about the Air Carriers Access Act (ACAA), too.

Regarding the proposal that my dog be put in cargo as an alternative to paying for an extra seat, would be separating me from my Assistance Dog and a violation of the Americans With Disabilities Act (ADA), as found in Crowder v. Hawaii decision of the Ninth District Court. I would hope that the ACAA provisions would be as protective

of disabled air travelers, as the ADA is of us utilizing trains, cabs, etc. Of the many tasks that my Assistance Dog is capable of doing, one of those is a seizure alert, 15-20 minutes prior to them occurring. This time allows my Assistance Dog to get me out of my wheelchair and into a safe place and position, as quickly as possible. He is also able to let me know when I need an extra respiratory treatment, before myself or my doctors are able to hear me wheeze, indicating that I need a respiratory treatment. These are just a couple of tasks that my Assistance Dog does, in addition to many more, which would put my health and safety in Great jeopardy, if he was placed in cargo.

In addition, this so called option overlooks the fact that I travel alone because I know I can count on my Assistance Dog in the plane cabin to assist in ways directly related to my independence, dignity, and safety. My Assistance Dog assists with transfers to the aisle chair, retrieves dropped items and/or provides me with immediate access to essential medical supplies in the backpack that he wears. My Assistance Dog carries extra insulin, dietary supplements, respiratory aids, prescribed medication, and a device to monitor my blood glucoses, just to name a few items, all in his backpack that he wears when out with me everywhere we go. All of this would be unavailable to me, if my Assistance Dog's backpacks were placed in the overhead compartment.

Taking a later flight is not a realistic option, either. I must take my medications at certain times, throughout the day, as well as take my respiratory nebulizer treatments at certain times. This does not include those times when I may need extra medications and/or respiratory treatments, or need time to relax and not have to worry about the little details that would/could be involved with needing to adjust my schedule because of a later flight.

Ed Eames, President of the International Association of Assistance Dog Partners (IAADP), a consumer advocacy organization with more than 2,000 disabled members working with guide, hearing and service dogs, has proposed the following language be adopted:

*"You may offer the passenger sitting in a seat adjacent to the disabled passenger traveling with a large service animal a seat in the same class of service in another part of*

*the cabin. If no seats are available in that class of service, you may ask for a volunteer willing to occupy the seat next to the disabled passenger requiring sharing of legroom. If no volunteer is forthcoming and seats are available in another class of service, you may ask the adjacent passenger or the disabled passenger to occupy a seat in that other class of service."*

Any one of the above options would be a reason accommodation. Only a small number of passengers with disabilities would ever need this kind of reasonable accommodation.

Over the last decade, there has been an industry trend to reduce the width of the seats and the legroom for coach passengers, so that more seats can be squeezed into the cabin. This reduces the floor space available for an Assistance Dog. Some airlines have turned the bulkhead seating into an Exit Row, which means I will not be able to sit there with my Assistance Dog.

If the DOT does not take decisive action at this time to protect the rights of disabled passengers to be accommodated in the plane cabin with their Assistance Dog, it will gravely undermine the progress that the Assistance Dog movement has made over the past twenty-five years in the area of Civil Rights.

I ask that the DOT officials involved in the rule making process to please consider adopting IAADP's recommended language, outlining some common sense steps for a flight attendant to follow to provide a reasonable accommodation in the plane cabin with a large Assistance Dog. Your adoption of this language will preserve all of our access rights and provide an equitable solution, instead of causing a financial burden and hardship to the disabled person with a large Assistance Dog.

Sincerely,



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